

REMARKS

The Examiner submitted a non-final Office Action dated January 25, 2008 to the Applicant. Claims 1 –4 were pending in the Application. The Examiner rejected Claims 1-4.

In response, the Applicant has presently canceled Claims 3 and 4. The Applicant has currently amended Claim 1 and Claim 2. Accordingly, Claims 1-2 remain pending in the present application. The Applicant submits that based upon the remarks below, Claims 1-2 are in condition for allowance.

TWO MONTH EXTENSION OF TIME

Applicant requests a two month extension of time for filing a response to the Office Action. The required fee for the extension of time is submitted herewith.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-4 are rejected under 35 USC §103(a) as being unpatentable over De Rege Thesauro et al. (U.S. 6,677,266). Claims 3 and 4 are canceled. Claim 1 and Claim 2 are presently amended to overcome the rejection. In addition, the Applicant submits the following arguments in support of Claim 1 and Claim 2 over the prior art cited.

- (1) The present invention differs from the cited invention in that the method of the present invention is completed by one-step reaction of a transition metal compound and an organomagnesium compound, while the method of the cited invention includes two-step process in which: 1) contacting magnesium chloride with a vanadium compound to give a product, and then 2) contacting the product with a titanium compound. Accordingly, the method of the present invention is basically different from that of the cited invention.
- (2) Also, the present invention has the feature of interacting a transition metal compound having two or more aryloxy ligands with an organomagnesium compound. Since there are more than two aryloxy ligands in the transition metal compound used in the present invention, one or more of aryloxy ligands remain in the produced catalyst after one

aryloxy ligand is consumed by the reaction of the transition metal compound and the organomagnesium compound.

The cited invention, however, does not limit the number of the aryloxy ligands in the transition metal compound to two or more and does not include any description in the specification suggesting that the number of the aryloxy ligands in the transition metal compound should be more than two.

(3) Further, the use of (2,6-Di-t-butyl-4-methylphenoxy)titanium trichloride which is a transition metal compound having one aryloxy ligand is only described in the example of the cited invention, and it is obvious that the inventors of the cited invention do not recognize the necessity of using the transition metal compound with more than two aryloxy ligands.

(4) When the (2,6-Di-t-butyl-4-methylphenoxy)titanium trichloride, the transition metal compound having one aryloxy ligand, is used as in the example of the cited invention, the desired effect of the present invention cannot be obtained since the two features of the present invention as described in the above (1) and (2) are not fulfilled.

In conclusion, the invention of the present application cannot be easily anticipated from the cited invention by those skilled in the art, and has a conspicuous effect. The present invention is therefore no is not obvious in light of the cited invention.

Based upon the amendment and argument above in support of Claim 1 and Claim 2, the Applicant requests that the rejection under 103(a) be withdrawn. Claim 1 and 2 are now believed to be in condition for allowance.

Accordingly, it is submitted that based upon the remarks above, Claims 1-3 and 5 are in condition for allowance.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

The Examiner is encouraged to contact the undersigned to discuss any issues related to this application at (401) 273-4446.

Respectfully submitted,

/daniel j. holmader/

Daniel J. Holmader
Reg. No. 59,518

BARLOW, JOSEPHS & HOLMES, Ltd.
101 Dyer Street
5th Floor
Providence, RI 02903
401-273-4446 (tel)
401-273-4447 (fax)
djh@barjos.com